

HOUSE BILL 46

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 2, relative to water quality.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-133, is amended by deleting the section and substituting:

(a) The department of education, with the assistance of the department of health, shall develop a program for the testing of water for lead contamination in public schools, public charter schools, and child care programs that are certified by the department of education under chapter 1, part 11 of this title.

(b)

(1) A local board of education shall adopt and implement the program developed by the department, or a program developed by the local board, to reduce the potential sources of lead contamination in drinking water in the local board's public schools.

(2) Public charter schools that operate within the boundaries of an LEA in a facility constructed prior to January 1, 1998, shall adopt and implement the program developed by the department, the program developed by the LEA, or a program developed by the public charter school to reduce the potential sources of lead contamination in drinking water in the public charter school.

(3) Child care programs that are certified by the department under chapter 1, part 11 of this title, and that operate within the boundaries of an LEA in a facility constructed prior to January 1, 1998, shall adopt and implement the

program developed by the department, the program developed by the LEA, or a program developed by the child care program to reduce the potential sources of lead contamination in drinking water in the child care program.

(c)

(1) The program implemented pursuant to subsection (b) must incorporate, at a minimum, biennial testing of lead levels in drinking water sources at public schools, public charter schools, and child care programs operating in facilities constructed prior to January 1, 1998, utilizing samples consisting of the first two hundred fifty milliliters (250 mL) drawn of water that has been standing in plumbing overnight to identify lead levels. Samples must be taken in accordance with the tap sampling procedures in the EPA Lead and Copper Rule (40 CFR Part 141).

(2) Public schools, public charter schools, and child care programs operating in facilities constructed on or after January 1, 1998, may conduct periodic testing under this section.

(d) If the result of a lead level test conducted under subsection (c) is equal to or exceeds fifteen parts per billion (15 ppb), then the public school, public charter school, or child care program shall:

(1) Immediately remove the drinking water source from service. The drinking water source must remain unavailable for use until retesting under subdivision (d)(5) or (d)(6) confirms that the lead level of water from the source is less than fifteen parts per billion (15 ppb);

(2) Notify:

(A) The commissioner of environment and conservation, the commissioner of health, the local department of health, the local

governing body, if any, and the commissioner of education within twenty-four (24) hours of the test result; and

(B) The parents or guardians of children enrolled at the public school, public charter school, or child care program, in accordance with a notification policy developed by the local board of education, public charter school, or child care program, within twenty-four (24) hours of the test result. A notification from a public school or public charter school must include all languages indicated in an LEA's home language survey conducted in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.);

(3) Allow the local department of health to inspect the site of the drinking water source to confirm that the drinking water source has been removed from service;

(4) Develop a corrective action plan within five (5) days of notification of lead level test results, and post the corrective action plan to the public school's, public charter school's, or child care program's website;

(5) Retest the lead level of the drinking water source within thirty (30) days of corrective action; and

(6) Conduct lead level tests on an annual basis until retesting confirms that the lead level is less than fifteen parts per billion (15 ppb).

(e) A public school, public charter school, or child care program operating in a facility constructed prior to January 1, 1998, shall comply with the requirements of a water testing program adopted pursuant to this section.

(f) As used in this section:

(1) "Child care program" has the same meaning as defined in § 49-1-1102; and

(2) "Drinking water source" means a source of water from which an individual can reasonably be expected to consume, bathe, or cook with the water originating from the source, including water fountains, coolers, icemakers, showers, and water near, or used for the preparation of, food and beverages.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.